

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)	
Application Serial Number	10/055,538
Confirmation Number	8836
Filing Date	01/23/2002
Title of Application	Media Authoring and Presentation
First Named Inventor	Curtis G. Wong
Assignee	Microsoft Corporation
Group Art Unit	2174
Examiner	Steven Paul Sax
Attorney Docket Number	MS1-4231US

To: Commissioner for Patents  
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### **Statement of Substance of Interview**

Examiner Sax spoke with Applicant's representative, Jason Mehigan, via telephone on August 19, 2009. Applicant greatly appreciates the Examiner's willingness to conduct an interview in this case, as such willingness is invaluable to resolving concerns related to the prosecution of this patent application.

During the interview, current counsel for the Applicant presented a reference that had been submitted to the Office via an IDS filed on 6/9/2005 by Applicant's previous counsel. In 2005, the Office placed the reference in the file, but the Office did not sign the IDS on the basis that Applicant's previous counsel did not complete the certification

required under 37 C.F.R. 1.97(e). (Advisory Action dated 7/25/05, pg. 2). Examiner Sax and the current counsel for Applicant reviewed the reference (version: 5/11/2005) together using an online internet archive ([www.archive.org](http://www.archive.org)). Applicant's current counsel and the examiner discussed that the reference was not material to patentability since the reference did not establish by itself, or in combination with other information, a prima facie case of unpatentability. (37 C.F.R. 1.56(b)). Therefore, Applicant believes that an IDS further citing this art is unnecessary. Moreover, since the reference was placed in the file the application had undergone additional prosecution in the form of an appeal and another Office Action before the Notice of Allowance was issued. Applicant respectfully submits the failure to cite the reference during the prosecution after the reference was included in the file is a tacit indication by the Office that the cited reference was not material to patentability.

While it is believed that no fee is due, should any such fee be deemed as due and owing for this Statement, Applicant hereby authorizes the Commissioner to charge any deficiency of fees and credit any overpayments to Deposit Account Number 12-0769.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representative for Applicant

          / Jason D. Mehigan /                                Dated:           8/20/09            
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